

RECEIVED

JAN 11 2019

IDWR/NORTHERN

Mitchell and Heavin Maier  
17731 E. Wellesley  
Spokane Valley, WA 99216

January 6, 2019

Attn: Linda Werner-Sr. Water Resource Agent  
Idaho Department of Water Resources-Northern Regional Office  
7600 N. Mineral Drive, Suite 100  
Coeur d'Alene, ID 83815

RE: Water right No. 95-17356 (prior water right 95-2055)

Parcel Number: 062600020020 (Pioneer Park Addition, Lot 2, Blk 2)

Dear Ms. Werner,

Thank you for meeting with me to review your findings outlined in your letter dated December 21, 2018. I writing to inform you that historic usage took place on our property in the exact location of our current cabin (Lot 2). That structure was destroyed by fire (as was evidenced in the tax records of a structure destroyed by fire) at some time prior to 2001. In 2001, a 10 foot by 15-foot log cabin was built to replace the burned down structure. We purchased the property in 2007. In 2014, we improved the property with a 15 x 25-foot addition and septic system. The addition and prior structure were brought completely up to current code and permitted through Kootenai County Improvement District and the Septic System was permitted through Panhandle Health District. This was no small feat as the property is Boat Access only and required barging supplies, manpower, and inspectors to ensure quality work was done.

During the construction process there was much evidence of a prior fire. Loads of burned up box springs and prior building parts had to be disposed of properly by the same barging process to remove the debris. It was very apparent that a structure had burned on the site. There is still evidence of burn marks on the trees surrounding the new structure from the prior fire. There are also multiple early generation electrical insulators in the trees (no longer in use) to suggest a prior structure being present on the site.

Fred and Sally Craner re-established the right when filing an updated claim on 3-14-1977 during a prior Adjudication (original Right was established by Gonzaga University in 1914 – Water right 95-2055). The

updated Claim was for lots 1 thru 4 and Tract A (Fred and Sally owned lots 1 thru 4 and Tract A; which was a subset of the original larger Gonzaga parcel). That Claim was granted as part of the final Decree Recorded April 20, 1989 during the prior Adjudication (Water right 95-2055).

At this time, our cabin is the only permitted and inspected structure on lots 1 thru 4 and Tract A to which those water rights can rightfully apply and as such those water rights belong with the replacement dwelling located on Lot 2 (our cabin). I have enclosed photos of remaining fire damage on existing Cedar Trees adjacent to our cabin that was updated in 2014 as well as the historic insulators in the trees.

Given the physical evidence and tax records indicating that the dwelling was destroyed by fire we ask that those water rights be continued on Lot 2. Our current cabin is the replacement dwelling of the destroyed cabin and as such those water rights also continue with the replacement dwelling. One should not lose a water right just because a structure burns down and needs to be rebuilt.

Sincerely,



Mitchell and Heavin Maier

Cell Phone: 971-219-0682

e-mail: maiermj@yahoo.com

Enclosures: 1. Photos Large Cedar Tree with burn marks, 2. Photos Historic insulators on property,  
3. Final Building inspection (approval) for 2014 Rebuild/Expansion, 4. Septic Approval and Survey

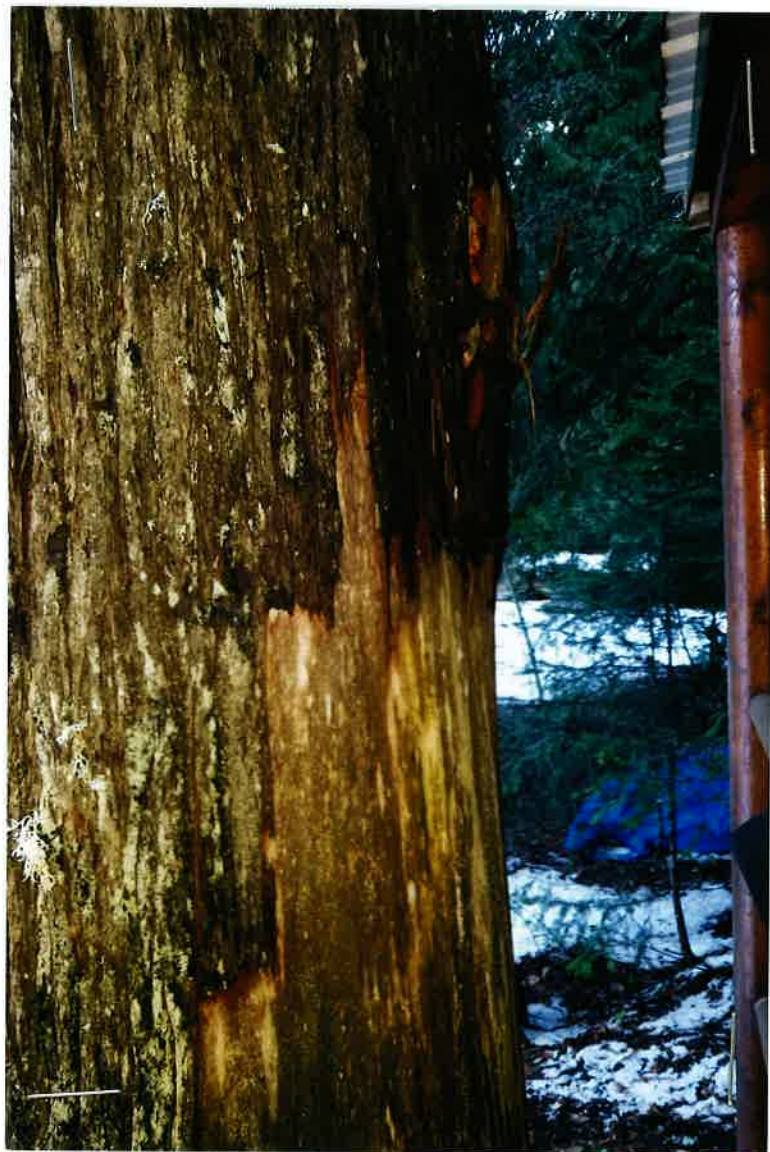


Historic Insulator Adjacent  
to Cabin. -mitch Maier





Burn Marks Adjacent To  
Cabin Cedar Tree  
- Mitch Maier





Front View - Large Cedar on Left with Burn  
Marks. Fir Tree on Right with Old Electric  
Insulator - Mitch Maier



# KOOTENAI COUNTY COMMUNITY DEVELOPMENT

Call for all required Kootenai County Inspections: (208) 446-1040

No specific time of day can be scheduled for inspections.

However, reasonable effort will be made to accommodate concrete inspections or call prior to arrival if requested.

\*Call Outside Agencies & Kootenai County three days before FINAL\*

**RES13-0741**  
**8772 S. Upper Twin**  
**Lake Shr.**

Job Address:

## On Site Requirements:

The following must be available on site to receive an inspection:

- \* Address Numbers must be visible from the street/road.
- \* This Permit Card must be visibly posted/available on site.
- \* A Complete Set of "Approved" Plans must be available on site.

## Inspection Scheduling Requirements:

- \* The Work must be complete and ready at the time an inspection is called.
- \* Inspections must be called in with the permit number.
- \* Inspections must be requested by 4 p.m. of a Regular County Work Day.
- \* No specific time of day can be scheduled for inspection to accommodate concrete inspections, or call to applicant

**Before you DIG: Call 811 two (2) Weeks in Advance**  
(Excluding weekends and holidays for a

**SEE BACK FOR MORE**

## Required Inspection:

|                                        |                     |                          |
|----------------------------------------|---------------------|--------------------------|
| #1 Footing<br>(INCL. RETAINING WALL)   | Date <u>5-8-14</u>  | Insp. <u>[Signature]</u> |
|                                        | Date <u>5-28-14</u> | Insp. <u>[Signature]</u> |
|                                        | Date <u>9-16-14</u> | Insp. <u>[Signature]</u> |
| #2 Stem Wall                           | Date <u>7-30-14</u> | Insp. <u>[Signature]</u> |
| #3 Retaining Wall<br>(BEFORE BACKFILL) | Date _____          | Insp. _____              |
| #4 Shear/Braced Walls                  | Date <u>7-30-14</u> | Insp. <u>[Signature]</u> |
| #7 Framing/Air Seal                    | Date _____          | Insp. _____              |
| #8 Insulation:                         | Date _____          | Insp. _____              |
| Walls                                  | Date _____          | Insp. _____              |
| Slab                                   | Date _____          | Insp. _____              |
| Underfloor                             | Date _____          | Insp. _____              |
| Attic/Ceiling                          | Date _____          | Insp. _____              |
| #9 Fire Walls/Int. Bracing             | Date _____          | Insp. _____              |

**IMPORTANT: 3 DAYS PRIOR TO SCHEDULED FINAL INSPECTION**  
**TO CONTACT KOOTENAI COUNTY AND OUTSIDE AGENCIES FOR FINAL INSPECTION**

#12 Kootenai County Final: After all other work is approved

Date 10-29-14 Insp. [Signature]

Final Inspection  
for Cabin 2014  
(Completed)



## FINAL SIGNATURE

CALL 446-1040 3 DAYS PRIOR TO FINAL  
E-MAILED TO THE OUTSIDE AGENCY  
COMPLETION (EXCEPT MANUFACTURED)

Final Inspection  
for Sept 22

Building Permit Number: RES13-0741  
OWNER: MITCHELL MAIER  
ADDRESS: 8772 Upper Twin Lakes Shore  
BUILDING ADDRESS: 8772 S UPPER TWIN LAKES SHORE  
PARCEL NUMBER/AIN: 062600020020  
SEPTIC/SEWER #: 13-28-1277-22

All agencies with jurisdiction are required to provide signed final approval prior to occupancy of any permitted structure. This includes final approval from the Idaho Division of Building Safety for State issued plumbing and electrical permits.

If this is a manufactured home setting or real property permit, the *Manufactured Home Installation Inspection Checklist* that was provided when this permit was issued must also be returned prior to occupancy. This checklist must be completed by an Idaho licensed manufactured home installer.

Upon approval of the final building inspection, please obtain the signatures of approval, as indicated below, and submit the completed form to Kootenai County Community Development. Failure to do so prior to occupancy may result in a Code Violation. If there are any questions please call 208-446-1040.

|                                                                                      | Attachments or<br>Comments |
|--------------------------------------------------------------------------------------|----------------------------|
|                                                                                      | Yes/No                     |
| ( ) _____<br>Fire Protection District/Fire Marshal Date                              |                            |
| ( ) _____<br>Highway District Date                                                   | Yes/No                     |
| ( ) <u>Christina M. West 13-28-1277-22 11/24/14</u><br>Septic or Sewer District Date | Yes/No                     |
| ( ) _____<br>Idaho Division of Building Safety for ELECTRICAL Date                   | Yes/No                     |
| ( ) _____<br>Idaho Division of Building Safety for PLUMBING Date                     | Yes/No                     |
| ( ) <u>Idaho Manufactured Home Installation Checklist Provided</u>                   | Yes/No                     |
| ( ) _____<br>Kootenai County Community Development Date                              | Yes/No                     |
| ( ) _____<br>Other Date                                                              | Yes/No                     |
| ( ) _____<br>Other Date                                                              | Yes/No                     |

Comments: \_\_\_\_\_

RECORD OF SURVEY OFFSITE DRAINFIELD  
ON A PORTION OF GOV'T LOT 1, FOR LOT 2, BLK 2 PIONEER  
PARK ADDITION IN  
SEC. 1, TWP. 52 N., R.5W., B.M.,  
KOOTENAI COUNTY, IDAHO.

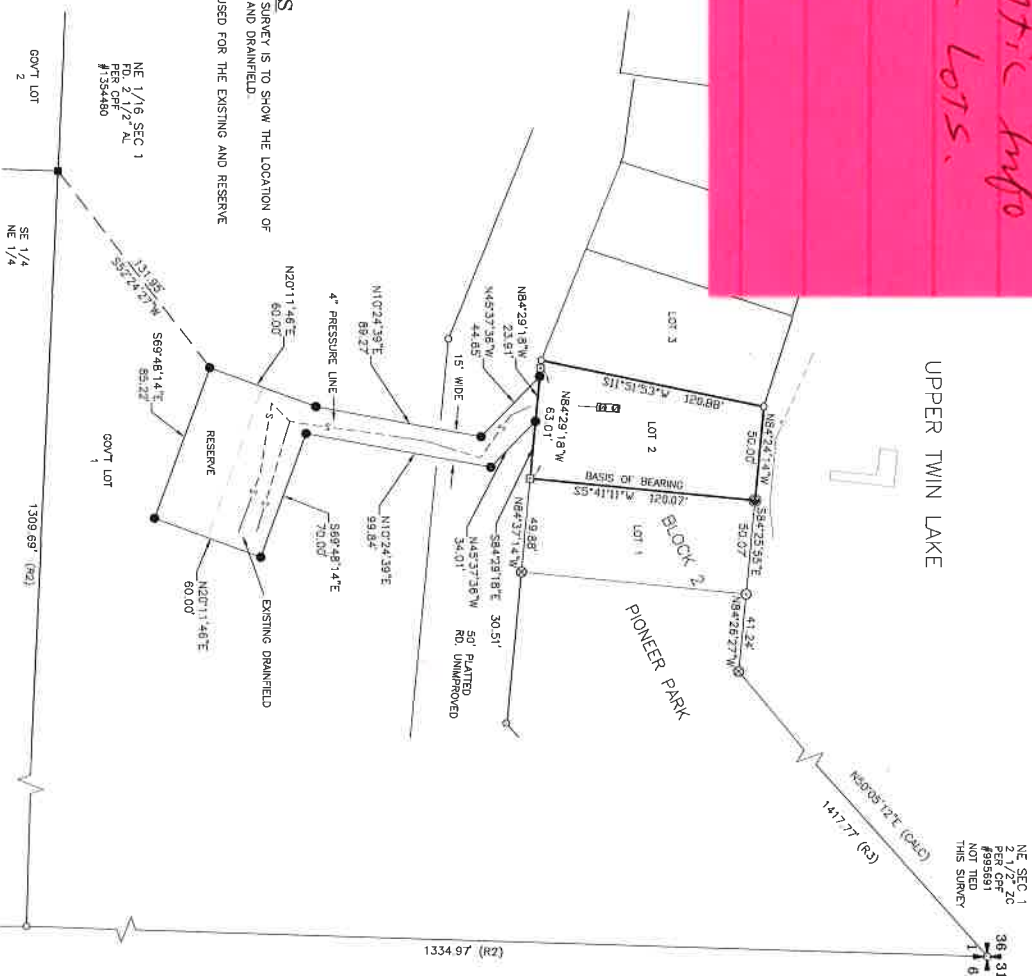
## RECORD OF SURVEY OFFSITE DRAINFIELD

ON A PORTION OF GOV'T LOT 1, FOR LOT 2, BLK 2 PIONEER

SEC. 1, TWP. 52 N., R.5W., B.M.,

KOOTENAI COUNTY, IDAHO.

UPPER TWIN LAKE



GRID NORTH



CPADUTS SCATE

Fee \$ 5.00

## LEGEND

## LEGEND

© FOUND 5/8" IRON ROD PLS 10677 OR AS NOTED

FOUND 1" IRON ROD NO CAF

FOUND 2 1/2" ALUM CAI

FOUND 1/2 IRON PIPE

⑧ FOUND 3/4 IRON PIPE

STAMPED PLS 4997

○ CALCULATED POINT

## RECORD DRAWINGS

| NUMBER | TYPE              | BOOK   | PAGE    | DATE | BY       |
|--------|-------------------|--------|---------|------|----------|
| (R1)   | PLAT PIONEER PARK | BK. D  | PG. 182 | 1961 | SARGENT  |
| (R2)   | ROS               | BK. 27 | PG. 105 | 2011 | EMPIRE   |
| (R3)   | ROS               | BK. 27 | PG. 358 | 2012 | STRATTON |

## SURVEY METHODS

GPS - TRIMBLE RB W/GNSS USING RTK WITH  
2 MEASUREMENTS AT EACH POSITION  
CONVENTIONAL - TRAVERSES WITH TOPCON GTS 235  
INST.

## BASIS OF BEARING

THE BASIS OF BEARING IS THE IDAHO WEST ZONE STATE PLANE NAD 83/92 BASED ON OPUS. THE INVERSE TO SW SEC. 1 ALONG EAST LINE OF LOT 2 BEING S54°41'11"W. THE DISTANCES ARE GROUND USING A CAF OF 1.000184.

# SURVEYORS CERTIFICATE

I, ROBERT L. HULL, PROFESSIONAL LAND SURVEYOR  
No. 4997 IN THE STATE OF IDAHO, DO HEREBY  
CERTIFY THAT THIS SURVEY WAS MADE BY ME OR  
UNDER MY SUPERVISION FOR MAIER.

/ s. / Robert T. Mull

11.11

0416

TATE ENGINEERING

1103 N. 4TH STREET, COEUR D'ALENE, IDAHO, 83811  
(208) 676-8708 FAX: (208) 667-2129

|            |        |       |          |        |        |
|------------|--------|-------|----------|--------|--------|
| PROJECT #: | 13.165 | DATE: | 11/08/13 | SCALE: | 1"=40' |
|------------|--------|-------|----------|--------|--------|

|                    |              |               |             |
|--------------------|--------------|---------------|-------------|
| DRAWING: 13 165ROS | CHECKED: RHH | DRAWN BY: SDN | PAGE 1 OF 1 |
|--------------------|--------------|---------------|-------------|

PAGE 1 OF 1



# Kootenai County, Idaho

|    |    |    |    |    |    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 |



THIS DRAWING IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES CONTAINED HEREIN.

## Map Revisions

## Notes

03/21/11 - JB  
S2N05W01-1800 out of 2170 (12)  
05/05/11 - JB  
S2N05W01-1800 & 8330 & 7200 & 8670 & 8400 & 8250 & 8000  
comb w/ 2170 as boundary line adjustment (12)  
06/18/12 - ET  
S2N05W01-1120 & 1320 out of 1450 & 1570 and all undivided as  
by #23323, #23322, & #23324; Pt of 1570 combined w/ 4720 as  
Private R/C combined w/ parcels in PIONEER PARK ADD as  
common area (13)  
08/07/13 - GP  
S2N05W01-1660 out of 1570 and 1750 out of 1300 (14)  
07/23/15 - VMW  
042800-01-009-0, 070-0 & 011-0 out of 009-A (row 4098-0) (15)  
02/20/18 - JP  
Pt of 042800-01-009-0 combined w/ 002-01-0 (with row A) (18)

Partial areas have been subdivided by licensed surveyors who have been authorized. Areas shown in this  
Assessment Area Registration, where applicable, have been subdivided. Dimensions and acreage listed may not  
be shown due to scale limitations. Dimensions in parentheses denote record and/or plotted in dimensions.  
LOCATION OF ROADS SHOWN ARE BASED ON ADDRESSABLE ROAD INFORMATION AND MAY OR MAY NOT BE PUBLIC.  
Parcel Identification Number (PIN) are assigned as follows:  
Plotted: Sub-code and Parcel ID# ex: C-3570 and 021-188-C Resulting PIN = C-04510-021-188-C or C-510021188C  
Unplotted: Township and Parcel ID# ex: S2N05W-16 and 7550 Resulting PIN = S2N05W-16-7550 or S2N05W167550

## Legend

- (C-5557) Sub-code
- Parcel ID# (PIN)
- TaxParcels
- Legal Areas
- Road RW
- Private Roads
- Plat Boundaries
- Railroad
- City Limits
- GCDS\_Corners
- GCDS\_Lines

Maptile: S2N05W01NE

UPPER TWIN LAKES

Lot 2

Pioneer Park Add  
(P-5559)

GOVT  
LOT 1  
36.50 Ac  
#23322

Pt #23324  
1200  
36.10 Ac

GOVT  
LOT 2  
39.10 Ac

Pt #23323  
1200  
7.80 Ac

Pt #23324  
1200  
36.10 Ac

Pt #23323  
1200  
7.80 Ac



NE Sec. 01 Twp 52 N. R. 5 W. B. M.

S T A T E O F I D A H O  
DEPARTMENT OF WATER RESOURCES  
LISTING OF RIGHTS

Final Decree  
Filed April 29, 1989

| RIGHT<br>NUMBER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | NAME AND<br>ADDRESS                                              | PRIORITY<br>DATE    | USE<br>FROM | USE PERIOD<br>TO | MAX AMOUNT<br>MAX RATE | DIVERSION<br>POINT    | PLACE OF USE<br>AND ACREAGE            | BASIS FOR<br>RIGHT |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|---------------------|-------------|------------------|------------------------|-----------------------|----------------------------------------|--------------------|
| SOURCE: UNNAMED STREAM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                  |                     |             |                  |                        |                       |                                        |                    |
| TRIBUTARY TO: TWIN LAKES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                  |                     |             |                  |                        |                       |                                        |                    |
| 95-2055                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | CRANER, FRED W.<br>CRANER, SALLY A.<br>RT. 2 BOX 742<br>RATHDRUM | 06-22-1914 DOMESTIC | 01-01       | 12-31            | 1.20 AFA<br>.04 CFS    | LT01 S01<br>T52N R05W | LT01<br>S01 T52N R05W                  | LICENSE            |
| REMARKS: TRACT A & LOTS 1 THRU 4, BLOCK 2, PIONEER PARK ADDITION.                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                  |                     |             |                  |                        |                       |                                        |                    |
| 95-4257                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | GUNNING, ORLINDA<br>RT. 2 BOX 668<br>RATHDRUM                    | 06-01-1950 DOMESTIC | 01-01       | 12-31            | 36.00 AFA<br>.13 CFS   | LT03 S17<br>T52N R04W | LT05<br>S08 T52N R04W<br>S17 T52N R04W | BENEFICIAL<br>USE  |
| REMARKS: DOMESTIC, EXTERIOR & INTERIOR, FOR 9 HOUSEHOLDS IN LOTS 6-7, BLOCK 1. LOT 1, LOT 4, LOT 6 BLOCK 2. LOT 2, LOT 8 BLOCK 3. LOT 3 LOT 4, BLOCK 4. TAX #6176. DOMESTIC, EXTERIOR, FOR 30 HOUSEHOLDS IN LOT 1, LOT 2, LOT 3, LOT 4, LOT 5 BLOCK 1. LOT 1, LOT 2, LOT 3 LOT 5, LOT 7, LOT 8, LOTS 9-10, LOTS 11-12, LOTS 13-14 BLOCK 2. LOT 1, LOT 3, LOTS 4-5, LOTS 6-7, LOT 9, LOT 10, LOT 11, LOT 12, LOTS 13-14, LOTS 15-16, LOT 17, LOTS 21-22 BLOCK 3. LOT 1, LOT 2, BLOCK 4. TAX #3655 & #3635. |                                                                  |                     |             |                  |                        |                       |                                        |                    |
| 95-0917                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | BERRY, JAMES W.<br>BERRY, BARBARA<br>RT. 7 BOX 20<br>SPOKANE     | 05-01-1961 DOMESTIC | 05-01       | 11-01            | 1.20 AFA<br>.04 CFS    | LT01 S01<br>T52N R05W | LT01<br>S01 T52N R05W                  | BENEFICIAL<br>USE  |
| REMARKS: LOT 7, BLOCK 2, PIONEER PARK.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                  |                     |             |                  |                        |                       |                                        |                    |

\*INDICATES TOTALS\*